

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

Robert Dale Smart, #272017, )  
Petitioner, ) C/A No.: 8:08-cv-03918-GRA  
v. )  
Cecilia Reynolds, ) ORDER  
Warden of Kershaw Correctional ) (Written Opinion)  
Institution, )  
Respondent. )  
\_\_\_\_\_  
)

This matter comes before the Court on Petitioner's three motions to alter or amend this Court's order, filed December 9, 2009, adopting the magistrate's Report and Recommendation dismissing Petitioner's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 with prejudice.

Petitioner actually filed three motions relevant to this Order. Petitioner titled the first "Motion to Alter or Amend Rules 59(e) and or 60(b)." (Dkt. No. 83.) He titled the second "Motion to Object." (Dkt. No. 84.) He titled the third "Motion to Alter or Amend 60(b)." (Dkt. No. 90.) Although each of these multi-page motions takes issue with certain aspects of the case, they all consist of the same fundamental request: Petitioner is asking this Court to revisit its decision dismissing Petitioner's case and denying Petitioner a certificate of appealability. Accordingly, this Court will address the three motions in tandem.

Plaintiff brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *See Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *See Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

After a thorough review of the record, this Court finds that its prior decision was and is correct as a matter of law. The Court appropriately dismissed Petitioner's case and properly denied Petitioner a certificate of appealability. Consequently, this Court must deny Plaintiff's motions and affirm its denial of a certificate of appealability.

IT IS THEREFORE ORDERED that Petitioner's "Motion to Alter or Amend Rules 59(e) and or 60(b)," (Dkt. No. 83), "Motion to Object" (Dkt. No. 84), and "Motion to Alter or Amend 60(b)" (Dkt. No. 90) are DENIED.

**IT IS SO ORDERED.**



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G. ROSS ANDERSON, JR.  
UNITED STATES DISTRICT JUDGE

January 22, 2009  
Anderson, South Carolina